

COMMONWEALTH OF KENTUCKY

KENTUCKY STATE BOARD ON ELECTRIC GENERATION
AND TRANSMISSION SITING

In the Matter of:

APPLICATION OF ESTILL COUNTY ENERGY)	
PARTNERS, LLC FOR A CERTIFICATE TO)	CASE NO.
CONSTRUCT A COAL COMBUSTION/)	2002-00172
ELECTRIC GENERATING FACILITY)	

ORDER

On November 25, 2013, the Kentucky State Board on Electric Generation and Transmission Siting ("Siting Board") issued an order directing Estill County Energy Partners ("ECEP") to show cause why the Siting Board's October 12, 2004 conditional approval of ECEP's application for a certificate to construct a 110-MW coal-fired electric generating plant in Estill County, Kentucky, should not be revoked and this matter be dismissed and removed from the Siting Board's docket due to ECEP's failure to comply with certain conditions imposed by the Siting Board. ECEP was required to respond within 20 days of the date of the November 25, 2013 Order. To date, ECEP has failed to submit any filing responsive to the Siting Board's November 25, 2013 Order. Accordingly, the Siting Board will revoke its conditional approval of the certificate of construction and will remove this case from the Siting Board's docket.

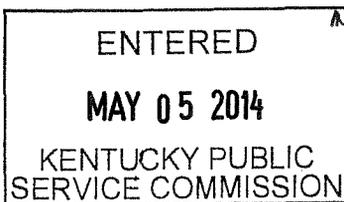
Unless ECEP seeks further review of this Order, the Siting Board, pursuant to 807 KAR 5:100, Section 6, must refund within 60 days any amount of ECEP's filing fee which exceeds the amount expended by the Siting Board in its review of ECEP's application. Therefore, the Siting Board will direct Staff to prepare an itemized list of

expenses charged for the ECEP application and to issue a refund of any amount of the filing fee which exceeds the amount expended by the Siting Board during its review of this matter.

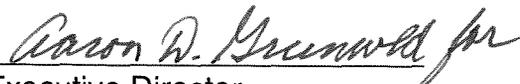
IT IS THEREFORE ORDERED that:

1. The Siting Board's conditional approval of the certificate of construction as expressed in the October 12, 2004 Order is revoked.
2. The case shall be dismissed with prejudice and removed from the Siting Board's docket.
3. Siting Board Staff shall prepare an itemized list of expenses charged to the Siting Board Fund during its review of the ECEP application.
4. Within 60 days of date of this Order, or within 60 days of the exhaustion of all appeals if judicial review is sought, Siting Board Staff shall issue a refund to ECEP of any remaining portion of the Siting Board application fee paid by ECEP in support of its application in this matter, along with a true copy of the itemized expense list prepared by Siting Board Staff pursuant to Ordering Paragraph 3.

By The Kentucky State Board on
Electric Generation and Transmission
Siting



ATTEST:


Executive Director
Public Service Commission
on behalf of The Kentucky State
Board on Electric Generation
and Transmission Siting

Darrell D Brock, Jr.
Commissioner/Assistant to Governor
Office of Local Government
1024 Capital Center Drive, Suite 340
Frankfort, KENTUCKY 40601

Gerard B Mack
Project Manager
Estill County Energy Partners, LLC
121 Hermitage Road
Charlotte, NORTH CAROLINA 28207

Wayne F Collier
Honorable
Kinkead & Stilz, PLLC
National City Plaza
301 East Main Street, Suite 800
Lexington, KENTUCKY 40507-1520

John M St. Clair, Jr.
Board Member
Citizens Guaranty Bank
Post Office Box 630
Irvine, KENTUCKY 40336

D. Duane Cook
Attorney-at-Law
135 North Broadway
Georgetown, KENTUCKY 40324

Judge Wallace Taylor
Estill County Judge/Executive
Estill County Courthouse
130 Main Street, Room 101
Irvine, KENTUCKY 40336

Thomas J FitzGerald
Counsel & Director
Kentucky Resources Council, Inc.
Post Office Box 1070
Frankfort, KENTUCKY 40602

Honorable Joseph G Tirone
Attorney at Law
7 Saint Paul Street
Suite 1000
Baltimore, MARYLAND 21202-1671

Will Herrick
4859 Flat Mary Road
Campton, KENTUCKY 41301-9509

Honorable Stephen H Watts II
Attorney at Law
One James Center
901 East Cary Street
Richmond, VIRGINIA 23219-4030

Honorable Teresa J Hill
Secretary
Environmental Public Protection
Fifth Floor, Capital Plaza Tower
Frankfort, KENTUCKY 40601

J. R. Wilhite
Commissioner - Community Development
Economic Development Cabinet
Old Capital Annex
300 West Broadway, 2nd Floor
Frankfort, KENTUCKY 40601

Dell Jagers
Estill County Energy Partners, LLC
6000 Sulphur Well Road
Lexington, KENTUCKY 40509

Danny P Woods
Brighton A & E
201 Brighton Park Boulevard
Frankfort, KENTUCKY 40601